Previous

P 16.

App. F. IX-4

Previous References
Jud 66-29-1-5

1929.
(Judicial)

File No. 175-29
Serial Nos. 1—4

Later References
Jud Dep. dd 101 of 30-31

General and Revenue Secretariat.

Serial Nos. 4

Part B for Jud 1930

SUBJECT

Appeal against the order of resumption of Inam lands enjoyed by Sri Ranganatheswami temple at Rangapur, Tiptur Taluq

Rc 50 of 11.7.30 To the Jud. Comr

There are no reasons to modify the order already passed..

GENERAL AND REVENUE SECRETARIAT

(Mvz)

NOTES.

File No. 178-9

FILE HEADING.

Appeal against the order of confirmation of the order of resumption of the Inam lands endowed to Sri Ranganatha Swamy Temple at Rangapur, Sidlaghatta Taluk

FROM

V Basaviah Vaddarhalli Sidlaghatta Taluk, by advocates Mr. K N Somina and R A Varadan

No. Dated 3rd Dec 29. Received 3.12.29

Diary No 984	Enclos. .	Spare copies .	Serial No

BRIEF ABSTRACT OF LETTER

The appellant states that (1) the S nos 28 of Mallenhalli & S. no 48 of Vaddarhalli, Sidlaghatta, are being in possession of the Appellants family since 28 3 1843, when since the grant to them in permanent Tenure by the Swamy of Rangapur mutt; (2) + that the Mysore authorities have no jurisdiction to resume these lands for the mutt on account of adverse possession; and (3) the order of the Mysore Govt ordering resumption & offering the same on short lease is not valid, as the entire proceedings was ex-parte etc. Stay order is prayed for as the Revenue authorities are attempting to evict.

NOTES AND ORDERS.

NOTES—First Sheet.

App. F. III—2]

General and Revenue Secretariat

File No. 1[illegible] of 192

Serial No.

1) The appeal petitioner is in time the copy of endorsement dt 16th Nov 1929, is filed & the Mug. Court is produced. A copy of the order is not produced

2. The munsif court has passed the lease of the lands for 30 years to the appellants, as the lands are baqayat lands, as is seen from the appeal petn (para 2)

3. The possession of the lands appears, according to lease, to be still with the appellant & so no stay order appears to be necessary in this case —

4. The appellant prays for a hearing to prosecute his reffees etc

5. The file re. the leasing of the Inam lands is put up for perusal It was ordered that the lands be leased out for 30 yrs in favour of the persons in possession The present appeal is against this order, which is being given effect to now. 6. The records will be called for & the party to be heard

S

7/12. 7/12

1) The main complaint in the appeal petition is: Vide para 8 - That - the applicant had no notice of the proceedings taken for dispossessing him of the lands in his possession and

6/12

Note—Contn. Sheet

WD 066—GPB—80,000—26-7-29

App. F. III—2]

General and Revenue Secretariat | File No. 17 of 1929.

Serial No.

c No statements were taken from them regarding his title to the lands. This is now borne out by the Mercy Commissioner's report of 12th August 1929, on consideration of which the petition was passed over in the case.

B. Honourable, the petition is being otherwise in order may be sent to the M.C. for report on the moral allegations made in it.

D. No stay order seems necessary.

(Sd. illegible)

10. A case

11

To.

2 The Mercy Commissioner
No 1207 G. dt. 17-12-29
forwarded petition in original for report.
V. Bazaar Lighting
No 1715 G dt. 17.1.29 for report and return.

Note—Contn. Sheet

WD 066—GPB—80,000—26-7-29

Mus: Appl: 28 of 29-30

App. F. III—2]

General and Revenue Secretariat | File No. 175 of 1929.

Serial No.	
	Of a copy has been [illegible]
	Letter No. C 906/29-30 dated 30.4.30 From the Mus. Commr forwards the entire records in the matter.
5.	13) The lands have been ordered to be resumed and leased out for a maximum period of 20 years vide No: 839/Mus: 66-29-4 dated 20.10.2
	14) A fresh report was called for as the party in his petition to Govt: made several allegations viz. that he had no notice of the proceedings taken for dispossessing him of the lands. & that no Statement was taken from him regarding the letter.
9.	15) These allegations are not well-founded. (vide the Amildar's report dated 25.2.29.)
	16) The appeal may be rejected. For land & orders
	GS MSK 15/5 17) If necessary, the party the land.
	18) Yes Mus 31/5/30 1st Monday

3 C MAY 1930 No 7252

Noted—Contn. Sheet

WD 066—GPB—30,000—26-7-29

App F. III—2]

General and Revenue Secretariat | Muz. File No 175 of 1929

Serial No.

148

19. The case was heard on 7th July 1930.

The Appellant was represented by Mr.K.V. Srinivasan.

Order.

20 There are no reasons to modify the orders already passed. If the garden is found to have been kept in a satisfactory condition at the time of the termination of the ~~present~~ lease, and also, the question of permitting the lessee another term of lease for a reasonable nutta, may be considered.

21 Draft. Subs for approval.

8/7

H Leey) 8.7.30

22 9/7

23 Issue 9.7.30.

To

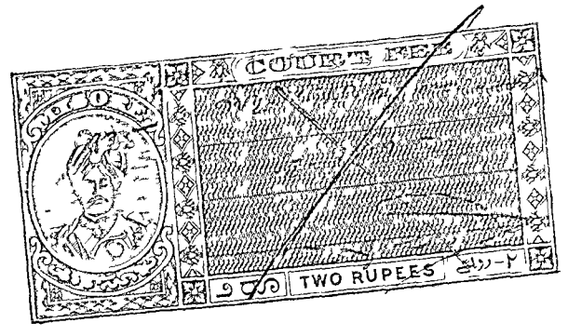
4 The Mgr Coma
no 50 of 11-7-30

Declines to modify the orders already passed & the question of ~~prescribing~~ permitting the lessee another term of lease will be considered if the garden is found to have been kept in satisfactory condition

B
Asst
16/7/30

Note-Contn. Sheet

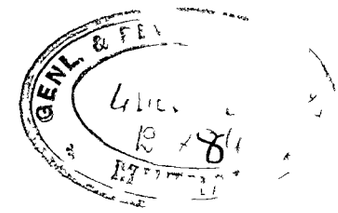
WD 066—GPB—80,000—26-7-29



Appeal Register
No 16 of 29-30

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.



Muzrai Appeal No. of 1929-30.

Appellant:- V. Basaviah, Son of Veerappa, Vaddara-halli, Nanavinakere Hobli, Tiptur Taluk.

******

The Appellant above-named respectfully begs to prefer this appeal against the order of the Muzrai Commissioner in Mysore in Appeal No.24 of 1928-29 on his file, confirming the order of resumption of the Inam Lands endowed to Sri Ranganatha Swamy Temple at Rangapura in Tiptur Taluk and directing that they would be leased out to the appellant for a period not exceeding 30 years on gutta and the appellant -- begs to submit as follows:-

1. The lands S.No.28 of Mallenahalli and S.No.48 of Vaddarahalli, in -- Nonavinakere Hobli, Tiptur Taluk, are in the possession of the appellant and his - ancestors before him ever since 28-3-1843, having been granted to them on permanent tenure by the then Swami of Rangapura Mutt.

2.

2. The original grantee was one Basappiah, and after his death his son Basavalingiah were in possession of the said lands as permanent - lessees and have at great expense of Rs.1500/- and labour planted and reared a cocoanut grove consisting of about 100 cocoanut trees and -- have constructed a stone rivetted well at a -- cost of Rs.2000/-. The said Basavalingiah -- having no male children, the appellant who is his daughter's son has inherited these properties as his Douhitra, according to Hindu Law, and has been in possession thereof ever since the death of the aforesaid Basavalingiah.

3. That ever since the appellant and his predecessors have been paying the Jodi to the Government and have been paying rent to the -- Mutt regularly and have been in possession and enjoyment of the said lands in their own right.

4. That in the year 1884 there was -- litigation in connection with these lands -- between the Mutt and the appellant's predecessors in C.S.No.176 of 1884 on the file of the Munsiff of Tumkur, and the title of the ---- appellant's predecessor was then confirmed on the original deed of grant and only a decree for arrears of rent was passed in favour of - the Mutt.

5. The appellant has been in possession of all the documents relating to his title to these lands and the Revenue or Muzrai Authorities have no jurisdiction to resume these -- lands for the Mutt as the appellant and his predecessors have been in undisturbed -- --

possession

possession of these lands in their own right and adversely to that of the Mutt for over the statutory period ever since 28-3-1843, the date of the original -- grant.

6. But on 18-10-1928, the Hobli Sheikdar took the appellant's signature to some papers and stated that in pursuance of the orders of the Deputy Commissioner the lands had been ordered to be resumed. There upon the appellant applied for a copy of the order and obtained a -- copy produced herewith.

7. That in the said order it is alleged that Basavalingiah was enquired about his title to these lands and that as he did not produce any dakhala, a - report was made recommending that these lands be resumed. The allegations in - the said order could not be true and -- that Basavalingiah could not have been - enquired for the simple reason that --- Basavalingiah is dead over 30 years ago. Under the circumstances the alleged -- enquiry is absolutely false and the -- report is based on facts which are not and cannot be true and the orders passed thereon cannot legally stand.

8. That in so far as the appellant who is in possession and enjoyment of the land had no notice of these proceedings, - and no statement has been taken from him regarding

regarding his title to these lands, and his title deeds have not been inspected the -- entire proceedings are ex-parte and are -- liable to be set aside.

9. The appellant has a valid and -- subsisting title to these lands and he is - entitled to be in possession of these lands. He is ready and willing to produce the necessary evidence to prove his right and title to these lands.

10. The Learned Muzrai Commissioner has not considered the grounds urged before him regarding the validity of the order of - resumption and the fact that the appellant - has a perfected title.

11. The Lower Court has also failed to see that the appellant never conceded that the alienation in his favour was either unauthorised or invalid and that he agreed to the lands -- being leased out to him in perpetuity only as a matter of compromise, and if this could not - be done, he was entitled to be heard on the -- merits of the case specially in view of the -- fact that no fair and just enquiry has yet been held in this case.

Wherefore the appellant prays that the Government be pleased to call for the records and reverse the order of the Lower Courts and confirm the lands to the appellant on such -- terms as may be deemed just and equitable.

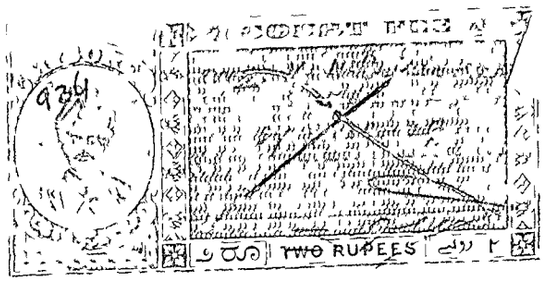
The Appellant further prays that as - the Revenue Authorities have been attempting to

to evict him and resume the lands
a stay order might kindly be issued
pending the disposal of this appeal
as otherwise considerable loss and
hardship would result to the -- --
appellant.

K V Srinivasan
R P Vasudev

BANGALORE
21st Novr. 1929
3rd Decr 1929.

ADVOCATES
for the Appellant.



Before the Government of His Highness The Maharaja of Mysore

IN THE COURT OF THE Bangalore

OF TUMKUR.

Misc. Appeal No 7/1944

192 —192 ನೇ ಇಸವಿ ನಂಬರು

ವಾದಿ VS ಪ್ರತಿವಾದಿ

Appellant, V. Basavaiah

ಮಾ॥ ರಾ॥ ಅಡ್ವೋಕೇಟ್ ಹೆಚ್. ವೆಂಕಟರಾಮಯ್ಯ, ಬಿ ಎ, ಬಿ. ಎಲ್, ಯವರಿಗೆ

Mrs. K. Srinivasan. M.V. Srinivasan. R.P. Vasudeo. ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

Bangalore

Appellant ಎಂಬ ನಾನು ಮೇಲ್ಕಂಡ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ತಾವು ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿವಗೈರೆ ಕೊಟ್ಟು ನಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿಮೊಬಲಗಿಗೆ ಜಾರಿಕ್ರಮ ನಡಿಸತಕ್ಕ ಬಗ್ಯೂ, ದನ್ಕೈವಜು ವಗೈರೆ ತಗೆದು ಕೊಂಡು ರಶೀತಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ಆಗತಕ್ಕ ದಾವಾ ಸ್ಟಾಂಪು, ಪ್ರೋಸೆಸ್ ಸ್ಟಾಂಪು, ಸಾಕ್ಷೆ ಭತ್ಯೆ ಮತ್ತು ಡಿಕ್ರಿ ಮೊಬಲಗು ವಗೈರೆ ಇತರ ವಿಧವಾದ ಎಲ್ಲಾ ಮೊಬಲಗುಗಳನ್ನೂ ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ, ನಹ ತಮಗೆ ಈಮೂಲಕ ಅಧಿಕಾರ ಕೊಟ್ಟು ಇಧೇನೆ; ಆದ್ದರಿಂದ ತಾವಾಗಲೀ ಅಧವಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲೀ ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿವಂತೆ ವವ್ವಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿರುತ್ತೇನೆ.

ತಾರೀಖು 3 - 12 - 1944 } ರುಜು.

Bangalore

ಈ ಮೊಕ್ತ್ಯಾರುನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು
ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿದ್ದಾರೆ.

ಅಂಗೀಕರಿಸಿರುತ್ತೇನೆ.
K. Srinivasan
M V Srinivasa Rau
R P Vasudeo
Advocates for. Appellant

Date 3/12/44.

KRISHNA PRESS, TUMKUR

Appendix F G—1

SUBJECT.....

.....

.....

Section Mug

File No. 175—29

Serial No. 2

No. 1217/Gen (Rdn/31)

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

To

The Hon'ble .....

Date of issue 10-12-29

Signed by M. V. N. S Jr.

Sir,

Adverting to this office letter no. 839-Mug. 66/29 dt 22-10-29 conveying instructions in the matter of the disposal of the inam lands endowed to Sri Ranganatha Swamy Temple at Ranganathapura, Hosdurg Taluk, I am directed to forward herewith for report on the several allegations made over

List of enclosures.....

Copied by.....

Examined by.....

petition No 884 from
V. Basaiah praying that
an order embodying the
foregoing order, the lands
in question may be
conferred to him - I am
to add that the petr has
been separately informed
that no stay order can
be issued as prayed for
by him -

I have etc

Sd/-

Sd/-

Sd/-

M. C 13

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore 3rd ... 193 .

No 3706/25-26

FROM

Rao Saheb
P G D'SOUZA Esq I.A.S.
Muzrai Commissioner in Mysore

GENL & REV SECRETARIAT
1 MAY 1930
MUZRAI.

To

Muz 178 29-30 3

SIR,

(G) 15

Before the Government of His Highness the Maharaja of Mysore.

Mng. Appeal No. 28 of 1929-30.

Appellant. ~~Vs.~~ ~~Respondent.~~

V. Basavaiah Son of Veerappa. Vaddarahalli Nonavinakere Hobli. Tiptur Taluk.

Subject.

Appeal against the order of resumption of inam lands endowed to Sri Rayanatha Swamy temple at Rayapura. Tiptur Taluk.

—

The Case was heard on 7th July 1930. The appellant was represented by Mr. K. N. Sreenivasan.

Order.

There are no reasons to modify orders already passed. If the garden is found to have been kept in a satisfactory Condition at the time of the termination

GPE—(M)—12-5-18

of the lease now allowed, the question of permitting the lessee another term of lease for a reasonable extra, may be considered.

Memo: no: 50 Dated. 11.7.30

Mus 175-29-4

Copy to the Mug. Comm. in Mysore for information with reference to his letter no: C906 29-30 dated 30.4.30. The records are returned herewith

Bio

9/7

6.7.30 H. Lecy

Gs. 8/7

51 mug

Copy to the Advocate. Mr. K. A. Srinivasa

Bio.

For H. Lecy

Said copy has been signed by the D/S